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APPEARANCES (CONTINUED)

FOR THE PLAINTIFFS: BOIES SCHILLER FLEXNER LLP
BY: ALISON L. ANDERSON
725 S. FIGUEROA STREET, 31ST FLOOR
LOS ANGELES, CALIFORNIA 90017

MORGAN & MORGAN
BY: JOHN A. YANCHUNIS
RYAN J. MCGEE
201 N. FRANKLIN STREET, 7TH FLOOR
TAMPA, FLORIDA 33602

FOR THE DEFENDANTS: QUINN EMANUEL URQUHART & SULLIVAN
BY: ANDREW H. SCHAPIRO
191 N. WACKER DRIVE, SUITE 2700
CHICAGO, ILLINOIS 60606

BY: VIOLA TREBICKA
865 S. FIGUEROA STREET, 10TH FLOOR
LOS ANGELES, CALIFORNIA 90017

BY: JOSEF ANSORGE
1300 I. STREET, N.W., SUITE 900
WASHINGTON, D.C. 20005

ALSO PRESENT: DOUGLAS BRUSH
TIMOTHY SCHMIDT
TONI BAKER
NORA PUCKETT

1 BY MS. TREBICKA:

2 Q. MR. LIAO, MY QUESTION, AND I THINK THE QUESTION THAT
3 OTHERS ARE ASKING AS WELL, IS WHY WOULD YOU USE THAT THEN? WHY
4 WOULD YOU USE THE ABSENCE OF THE X-CLIENT DATA HEADER TO
5 DETERMINE THE APPROXIMATE AMOUNT OF INCOGNITO TRAFFIC?

6 A. BECAUSE THE PURPOSE OF THE EXERCISE, AGAIN, IS TO, IS TO
7 APPROXIMATE THE POTENTIAL REVENUE IMPACT.

8 WE DIDN'T REQUIRE AN EXACT NUMBER, AND IT WAS DETERMINED
9 THAT THE ABSENCE OF THE X-CLIENT DATA HEADER WAS A PROCESS
10 SIGNAL THAT CAN GIVE US THAT APPROXIMATE APPROXIMATION TO THE
11 REVENUE, POTENTIAL REVENUE IMPACT.

12 Q. AS PART OF YOUR ANALYSIS IN THIS PROJECT, DID YOUR TEAM
13 EVER ATTEMPT TO IDENTIFY PARTICULAR INCOGNITO USERS?

14 A. NO.

15 Q. RECALL THAT WE STARTED THIS EXAMINATION WHEN I ASKED YOU
16 ABOUT THE MAYBE_CHROME_INCOGNITO BIT.

17 WHO CREATED THE CHROME, THE MAYBE_CHROME_INCOGNITO BIT?

18 A. I BELIEVE BERT AND MANDY CREATED THE BIT.

19 Q. AND IS THAT BERT LEUNG AND MANDY LIU?

20 A. YES.

21 Q. WHY DID THEY CREATE THE BIT?

22 A. MY UNDERSTANDING IS THE BIT WAS CREATED, OR THE FIELD IN
23 THE LOG WAS CREATED TO POWER A DASHBOARD WHOSE PURPOSE IS TO
24 MONITOR OR KEEP AN EYE ON THE SLICE OF TRAFFIC WHERE WE THINK
25 THIRD PARTY COOKIES MAY BE BLOCKED IN AD QUERIES.

1 Q. IS -- WAS THIS A CONTINUATION OF THE PROJECT THAT WE
2 TALKED ABOUT THAT YOU SAID STARTED IN 2019?

3 A. YES.

4 Q. AND WHAT WAS THE PURPOSE OF THIS CONTINUATION OF THE
5 PROJECT?

6 A. THE CONTINUATION, THE PURPOSE OF CONTINUING THAT IS STILL
7 TO APPROXIMATELY MONITOR THE SLICE OF TRAFFIC AND THE POTENTIAL
8 REVENUE IMPACT OF THIRD PARTY COOKIE BLOCKING, AND ALSO HOW THE
9 SLICE OF TRAFFIC CHANGES OVER TIME.

10 Q. NOW, DO YOU UNDERSTAND, AT A HIGH LEVEL, HOW THE
11 MAYBE_CHROME_INCOGNITO BIT WORKS?

12 A. I HAVE A HIGH LEVEL UNDERSTANDING OF IT.

13 Q. COULD YOU EXPLAIN?

14 A. MY UNDERSTANDING OF HOW THIS BIT IS COMPUTED IS THAT IT
15 TAKES IN, AS INPUT, TWO PIECES OF INFORMATION: ONE IS THE
16 ABSENCE OF THE X-CLIENT DATA HEADER; THE OTHER IS THE USER
17 AGENT HEADER.

18 Q. NOW, HOW DOES THIS LOGIC THAT YOU JUST EXPLAINED FOR THE
19 MAYBE_CHROME_INCOGNITO BIT DIFFER FROM THE LOGIC THAT YOU USED
20 IN THE INITIAL PART OF THE PROJECT IN 2019?

21 A. MY UNDERSTANDING IS THEY'RE THE SAME.

22 Q. IS THE MAYBE_CHROME --

23 THE COURT: THAT'S TIME. LAST QUESTION.

24 MS. TREBICKA: YES, UNDERSTOOD, YOUR HONOR.

25 MAY I HAVE A SECOND?

1 THE COURT: OKAY.

2 (PAUSE IN PROCEEDINGS.)

3 BY MS. TREBICKA:

4 Q. IS THE MAYBE_CHROME_INCOGNITO BIT A DEDICATED SIGNAL FOR
5 INCOGNITO MODE?

6 A. NO.

7 MS. TREBICKA: NO FURTHER QUESTIONS.

8 THE COURT: THANK YOU.

9 CROSS-EXAMINATION.

10 MR. YANCHUNIS: EXHIBIT 103, PLEASE.

11 **CROSS-EXAMINATION**

12 BY MR. YANCHUNIS:

13 Q. MR. LIAO, I'D LIKE TO SHOW YOU A DOCUMENT THAT HAS BEEN
14 MARKED AS EXHIBIT 103.

15 DO YOU HAVE THAT IN FRONT OF YOU ON THE SCREEN?

16 A. YES.

17 Q. OKAY. THIS IS AN EMAIL STRING THAT STARTS WITH THE FIRST
18 EMAIL ON THE LAST PAGE AND THEN BUILDS BACK TO THE FIRST PAGE
19 CHRONOLOGICALLY; CORRECT?

20 A. MAY I?

21 CAN YOU SCROLL UP SO THAT I CAN MAKE SURE IT'S
22 CHRONOLOGICAL?

23 Q. I'LL HAVE THAT DONE FOR YOU.

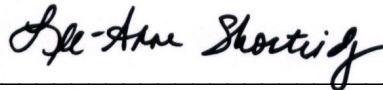
24 A. YES, IT APPEARS THAT WAY.

25 Q. OKAY. ON THE PAGE ENDING WITH THE NUMBER 293, REFERENCING

CERTIFICATE OF REPORTER

I, THE UNDERSIGNED OFFICIAL COURT REPORTER OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, 280 SOUTH FIRST STREET, SAN JOSE, CALIFORNIA, DO HEREBY CERTIFY:

THAT THE FOREGOING TRANSCRIPT, CERTIFICATE INCLUSIVE, IS A CORRECT TRANSCRIPT FROM THE RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.



LEE-ANNE SHORTRIDGE, CSR, CRR
CERTIFICATE NUMBER 9595

DATED: APRIL 29, 2022